

By: Ellis

S.B. No. 664

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful carrying of a handgun on certain premises used for law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 46.035(b), Penal Code, is amended to read as follows:

(b) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed, on or about the license holder's person:

(1) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(2) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event;

(3) on the premises of a correctional facility;

(4) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing

1 home licensed under Chapter 242, Health and Safety Code, unless the
2 license holder has written authorization of the hospital or nursing
3 home administration, as appropriate;

4 (5) in an amusement park; ~~[or]~~

5 (6) on the premises of a church, synagogue, or other
6 established place of religious worship; or

7 (7) on the premises of a law enforcement facility.

8 SECTION 2. Section 46.035(f), Penal Code, is amended by
9 adding Subdivision (4) to read as follows:

10 (4) "Law enforcement facility" includes any building
11 or portion of a building containing offices used for the official
12 business of peace officers, special investigators, or adjunct
13 police officers as defined by Article 2.12, 2.121, 2.122, 2.123, or
14 2.124, Code of Criminal Procedure.

15 SECTION 3. Section 46.035(i), Penal Code, is amended to
16 read as follows:

17 (i) Subsections (b)(4), (b)(5), (b)(6), (b)(7), and (c) do
18 not apply if the actor was not given effective notice under Section
19 30.06.

20 SECTION 4. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 covered by the law in effect when the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of
25 this section, an offense was committed before the effective date of
26 this Act if any element of the offense was committed before that
27 date.

S.B. No. 664

1 SECTION 5. This Act takes effect September 1, 2005.